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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,779	12/31/2001	Marc Goldberg	15685P113	4780
45222	7590	08/23/2005	EXAMINER	
ARRAYCOMM/BLAKELY 12400 WILSHIRE BLVD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			TSE, YOUNG TOI	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,779

Applicant(s)

GOLDBURG, MARC

Examiner

YOUNG T. TSE

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 14, lines 5-9, it appears repeating the same statement of lines 2-5. Appropriate correction is required.

Claim Objections

2. Claims 1-19 are objected to because of the following informalities:

In claim 1, line 4, "a first communication" should be "the first communication" for clarity.

In claim 5, line 4, "device" should be "communication device". Also see claim 19, lines 2, 3 and 4.

In claim 7, line 4, "performance" should be "communication performance". Also see claim 9, line 4.

In line 1 of both claims 10 and 11, "communication performance" should be "the communication performance" for clarity.

The dependent claims 2-4, 6, 8 and 12-17 are directly or indirectly depended upon the independent claim 1.

In claim 18 (line 1) and claim 19 (line 1), "the acts of" and "the act of" should be changed to "the steps of".

In claim 18 (lines 4, 5, 6 and 8) and claim 19 (lines 4 and 6), "channels" should be "one or more channels".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Soong et al..

Soong et al. (U.S. Patent No. 6,687,238) discloses a CDMA base station for descresting DCMA signal peaks, shaping the in-band frequency spectrum of CDMA signal, generating a ratio of in-band to out-of-band signal strength, and controlling transmit power based on quadrature calculations.

With respect to claims 1-17, Figures 6-9 show the communication between a base station and a mobile station, wherein each of the base station and the mobile station comprises a transmitter and a receiver, the transmitter of the base station transmits a first signal assigning a first band-edge channel of a guard band to the receiver of the mobile station at a reduced power lever of a maximum system

transmission power level of the base station while the transmitter of the mobile station transmits a second signal assigning the first band-edge channel and/or a second band-edge channel of a guard band to the receiver of the base station at the same or a reduced power level of the maximum system transmission power level of the base station or a maximum system transmission power level of the mobile station. See the detailed discussion of Figures 6-9 from column 6, line 13 to column 8, line 49.

With respect to claims 18-19, the first set of one or more channels for in-band transmissions of a guard band can be provided by the base station, the second set of one or more channels for in-band transmissions of a guard band can be provided by the mobile station, and the transmitting power level of the second set of one or more channels of the mobile station can be the same, less or more than the transmitting power level of the first set of one or more channels of the base station. Also see column 6, line 13 to column 8, line 49.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al..

Nakano et al. (U.S. Patent No. 6,687,238) discloses a base station 422 of a second system performs communication using frequency adjacent to a frequency employed by communication between a base station 412 and a mobile station 414 of a first system to avoid the interference between the first system and the second system.

With respect to claims 1-17, Figures 4-11 show one of the embodiments for communication between one of the base stations 412 and 422 and the mobile station 414, wherein each of the base station and the mobile station comprises a transmitter

630 or 730 and a receiver 640 or 740, the transmitter 630 of the base station transmits a first signal assigning a first band-edge channel of a guard band to the receiver 740 of the mobile station at a reduced power level of a maximum system transmission power level of the base station while the transmitter 730 of the mobile station transmits a second signal assigning the first band-edge channel and/or a second band-edge channel of a guard band to the receiver 640 of the base station at the same or a reduced power level of the maximum system transmission power level of the base station or a maximum system transmission power level of the mobile station. See column 4, lines 41-55, and column 6, line 11 to column 7, line 28.

With respect to claims 18-19, the first set of one or more channels for in-band transmissions of a guard band can be provided by one of the base stations 412 and 422, the second set of one or more channels for in-band transmissions of a guard band can be provided by the mobile station 414, and the transmitting power level of the second set of one or more channels of the mobile station can be the same, less or more than the transmitting power level of the first set of one or more channels of the base station. Also column 4, lines 41-55, and column 6, line 11 to column 7, line 28.

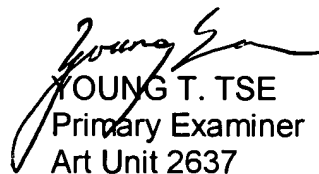
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sawyer discloses a method and a cell radio controller in a cellular telecommunications network for reducing out-of-band radio emissions generated by cellular transmissions into downlink radio channels of a coexisting radio network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday-Thursday and alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The Central FAX Number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YOUNG T. TSE
Primary Examiner
Art Unit 2637